

Agenda Item Form

Agenda Date: OCT. 19, 04

Districts Affected: All

Dept. Head/Contact Information: Byron Johnson, 541-4308

Type of Agenda Item:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Resolution | <input type="checkbox"/> Staffing Table Changes | <input type="checkbox"/> Board Appointments |
| <input type="checkbox"/> Tax Installment Agreements | <input type="checkbox"/> Tax Refunds | <input type="checkbox"/> Donations |
| <input type="checkbox"/> RFP/ BID/ Best Value Procurement | <input type="checkbox"/> Budget Transfer | <input type="checkbox"/> Item Placed by Citizen |
| <input type="checkbox"/> Application for Facility Use | <input type="checkbox"/> Bldg. Permits/Inspection | <input type="checkbox"/> Introduction of Ordinance |
| <input type="checkbox"/> Interlocal Agreements | <input type="checkbox"/> Contract/Lease Agreement | <input type="checkbox"/> Grant Application |
| <input type="checkbox"/> Other _____ | | |

Funding Source:

- ☒ General Fund
- ☐ Grant (duration of funds: _____ Months)
- ☐ Other Source: _____

Legal:

- ☒ Legal Review Required Attorney Assigned (please scroll down): Ruth Reyes ☐ Approved ☐ Denied

Timeline Priority: ☒ High ☐ Medium ☐ Low # of days: _____

Why is this item necessary:

Traffic signal heads are very necessary for the streets safety of the public.

Explain Costs, including ongoing maintenance and operating expenditures, or Cost Savings:

Ongoing yearly purchases for purchasing traffic signal heads

Statutory or Citizen Concerns:

Safety on the streets is the first concern of the public.

Departmental Concerns:

Department needs to keep the street traffic signals in good shape.

DATE: October 7, 2004

TO: Municipal Clerk

FROM: Byron E. Johnson, C.P.M.
Director of Purchasing x 4313



THRU: Aurora Wells
Interim Bid Clerk ext. 4038

Pease place the following item on the **CONSENT** agenda for the Council Meeting of **OCTOBER 19, 2004.**

Item should read as follows:

That the Mayor be authorized to sign a Consent to Assignment from U.S. Traffic Corporation to Peek Traffic Corporation with respect to the City of El Paso's Contract No. 2003-113, Street Department Traffic Signal Heads.

Contact person: Jesus M. Juarez, Procurement Analyst at 541-4317.

AGENDA FOR: **OCTOBER 19, 2004**

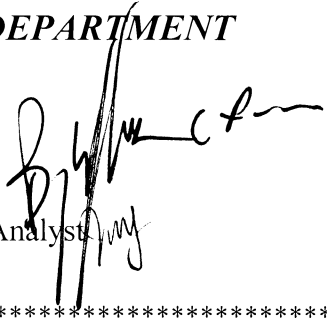
PURCHASING DEPARTMENT

TO: City Clerk

FROM: Byron E. Johnson, C.P.M.
Director of Purchasing

THRU: Jesus M. Juarez ,Procurement Analyst

DATE: October 7, 2004



Please place the following item on the CONSENT COUNCIL AGENDA for the Council Meeting of Tuesday, October 19, 2004

Item should read as follows: That the Mayor be authorized to sign a Consent to Assignment from U.S. Traffic Corporation to Peek Traffic Corporation with respect to the City of El Paso's Contract No. 2003-113, Street Department Traffic Signal Heads.

CITY CLERK'S USE:

ITEM NO. _____

Form **W-9**
(Rev. December 2000)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give form to the
requester. Do not
send to the IRS.

Name (See Specific Instructions on page 2.)
PEEK Traffic Corporation

Business name, if different from above, (See Specific Instructions on page 2.)

Check appropriate box: ☐ Individual/Sole proprietor ☒ Corporation ☐ Partnership ☐ Other

Address (number, street, and apt. or suite no.)
PO Box 622 141 Railroad St

City, state, and ZIP code
Bedford PA 15522

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 2. For other entities, it is your employer identification number (EIN). If you do not have a number, see How to get a TIN on page 2.

Note: If the account is in more than one name, see the chart on page 2 for guidelines on whose number to enter.

Social security number

or

Employer identification number

20430785194

List account number(s) here (optional)

Part II For U.S. Payees Exempt From Backup Withholding (See the instructions on page 2.)

Part III Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. person (including a U.S. resident alien).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 2.)

Sign
Here

Signature of
U.S. person

Charles O. Cymak

Date **7/13/04**

Purpose of Form

A person who is required to file an information return with the IRS must get your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to give your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify the TIN you are giving is correct (or you are waiting for a number to be issued).
- Certify you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee.

If you are a foreign person, use the appropriate Form W-8. See Pub. 615, Withholding of Tax on Nonresident Aliens and Foreign Corporations.

Note: If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

What is backup withholding? Persons making certain payments to you must withhold and pay to the IRS 31% of such payments under certain conditions. This is called "backup withholding." Payments that may be subject to backup withholding include interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

If you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return, payments you receive will not be subject to backup withholding. Payments you receive will be subject to backup withholding if:

- You do not furnish your TIN to the requester, or
- You do not certify your TIN when required (see the Part III instructions on page 2 for details), or
- The IRS tells the requester that you furnished an incorrect TIN, or
- The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the Part II instructions and the separate instructions for the Requester of Form W-9.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of Federal law, the requester may be subject to civil and criminal penalties.



FACSIMILE TRANSMITTAL SHEET

TO:	<i>Jesus Guarez</i>	FROM:	Celestine Hale
COMPANY:	<i>City of El Paso</i>	DATE:	<i>7-28-04</i>
FAX NUMBER:	<i>9155414347</i>	TOTAL NO. OF PAGES INCLUDING COVER:	
PHONE NUMBER:		SENDER'S REFERENCE NUMBER:	
RE:	<i>Consent of Contract Assignment</i>		
YOUR REFERENCE NUMBER:			
<input type="checkbox"/> URGENT <input checked="" type="checkbox"/> FOR REVIEW <input type="checkbox"/> PLEASE COMMENT <input type="checkbox"/> PLEASE REPLY <input type="checkbox"/> PLEASE RECYCLE			

NOTES/COMMENTS:

See attachment



PEEK TRAFFIC CORPORATION
2511 CORPORATE WAY
PALMETTO, FL 34221
TEL: 800-245-7660
FAX: 741-365-0837

U.S. Traffic Corporation

A Quixote Company

U.S. TRAFFIC CORPORATION
9603 JOHN STREET
SANTA FE SPRINGS, CA 90670
TEL: 800-733-7872
FAX: 562-923-7555



Attn: City of El Paso
Contact: Jesus Juarez
Reference: Consent of Contract Assignment

July 23, 2004

Dear Jesus,

As you are aware we have had a location change for production and manufacturing on pedestrian and vehicle signal items from our U.S. Traffic facility in Santa Fe Springs, CA to our Peek Traffic Facility in Bedford, Pa.

In reference to this change we respectfully request that the current contracts for vehicle signals, pedestrian signals and related items be transferred to Peek Traffic. This will assure the purchase orders get processed in a quick and efficient manner. Billing will be issued from our Bedford, PA facility in Peek Traffic's name. The City of El Paso will continue to receive the highest quality products in a timely fashion. All contact information needed to facilitate the change of assignment follows:

Peek Traffic Corporation
141 Railroad Street
P.O. Box 622
Bedford, Pa 15522
Tel: 814-623-9303
Fax: 814-623-0974

Remit To Address: Peek Traffic Corporation
P.O. Box 65896
Charlotte, NC 28265

Sincerely,

A handwritten signature in cursive script, reading "Charles O. Crum Sr.".

Charles O Crum Sr.
General Manager - Peek Traffic Corporation Signal Division

A handwritten signature in cursive script, reading "Tim O'Leary".

Tim O'Leary
President - Quixote Traffic Corporation



PEEK TRAFFIC CORPORATION SIGNAL DIVISION
141 RAILROAD STREET
P.O. BOX 622
BEDFORD, PA. 15522
TEL: 814-623-9303
FAX: 814-623-0974



To: City of El Paso

Attn: Jesus Juarez

Dear Sir,

As per our conversation we are writing to inform you that effective July 1st, 2004 Peek Traffic became solely responsible for the production and distribution of U.S. Traffic Vehicle and Pedestrian Signal Units. Peek Traffic and U.S. Traffic are both subsidiaries of the Quixote Company. U.S. traffic was owned by Quixote when Peek Traffic was purchased. Both companies perform similar tasks and we are now going through a transition phase that includes consolidation of like products. The decision was made, as part of the new company focus, to consolidate the production of Vehicle and Pedestrian items to one location here in Bedford, PA in order to focus on efficiency and customer service. The current item in question is City of El Paso contract number #2003-113. Currently this contract is awarded under the U.S. Traffic name and we would like to explore what steps need to be taken to get it transferred to the Peek Traffic Corporation Signal Division in order to assure that we as a company can continue to fulfill the vehicle and pedestrian signal needs for the City of El Paso with the highest quality products and most efficient service we can provide.

We have checked with the City of El Paso and moving forward with Peek Vehicle Signals has been approved, as they are an acceptable substitute for the items bid on the contract. The pedestrian signals will remain the same as we are carrying forth the U.S. Traffic pedestrian line.

Now that the products have been approved to move forward, the only two remaining issues are how to get the name of the contract switched over so that we here at Peek Traffic Corporation Signal Division can issue an Invoice to the City of El Paso for items we will be providing on the contract, and secondly to assure any additional purchase orders for items on the contract get made out to Peek Traffic Corporation Signal Division and sent to our Bedford, Pa location. This will assure that the City of El Paso continues to receive high quality product in the most time efficient manner. Any help or direction you can provide us on how to go about facilitating name change this in the quickest manner possible would be greatly appreciated.

On one Final note, as you know we have shipped your purchase order #2004008088 already. We shipped this job out, previous to having the contract switched over, on good faith to assure that the City saw no lapse in product delivery. Given this we are very eager to reach a successful resolution and respectfully request if at all possible the name

on the contract be transferred to Peek Traffic in the most expeditious fashion so that both parties can move forward in what will be a very smooth and efficient working relationship.

To facilitate the ease of transfer as much as possible we have listed below our contact information and our remit to information that will be showing on all invoices that you receive from us. If you need any additional information or have any questions please feel free to call me at me at any time.

Our contact information is as follows:

Shipping Address:

Peek Traffic Corporation
Signal Division
141 Railroad Street
Bedford, PA 15522

Mailing Address:

Peek Traffic Corporation
Signal Division
P.O. Box 622
Bedford, PA 15522

Remit to Address:

Peek Traffic Corporation
P.O. Box 65896
Charlotte, NC 28265-0896

Fax number for submission of Purchase orders:

Fax: (814) 623-0974


Contact Numbers:

Phone: (814) 623-9303
Fax: (814) 623-0974
Email: PTSISD@bedford.net

Charles Crum Sr. – General Manager – Ext: 3
Charles Crum Jr. – Purchasing/ Production – Ext: 2
Christine Miller – General Administration – Ext: 1

In Closing, we at Quixote, Peek Traffic Signal Division wish to extend our warmest welcome to the City of El Paso. We look forward to continuing to fulfill your needs with the highest quality vehicle, pedestrians and related items on the market. We are very anxious to begin working with you and will do our best to assure a smooth transition.

Thank you and we look forward to working with you,



Charles O. Crum Sr.
General Manager
Peek Traffic Corporation, Signal Division
141 Railroad Street
Bedford, Pa 15522
Phone: (814) 623-9303 Ext: 2
Fax: (814) 623-0974
Email: PTSISD@bedford.net

MOTION
APRIL 15, 2003

Motion made, seconded and unanimously carried to award Bid No.: 2003-113
Traffic Signal Heads

Award to:	U. S. Traffic Corporation Santa Fe Springs, CA
Item(s):	Alternate Bid, Items #1 and #2
Amount:	\$46,335.30 (estimated annually)
Department:	Street
Funds available:	31260001-2010288-508027-503203-PPW0303
Funding source:	General Fund
Total award:	\$46,335.30
District (s):	All

The Street and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

The Vendor offers the City the option to extend the term of the contract at the same unit prices for one (1) or two (2) additional years if the option is exercised within one (1) or two (2) years from the date of the award.

This is a Requirements Type Contract with an initial term of Twenty Four months.

Richarda Duffy Momsen, City Clerk

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a Consent to Assignment from U.S. TRAFFIC CORPORATION to PEEK TRAFFIC CORPORATION with respect to the City of El Paso's Contract No. 2003-113, Street Department Traffic Signal Heads.

PASSED AND APPROVED this 19th day of October, 2004.


CITY OF EL PASO

Joe Wardy
Mayor


ATTEST:

Richarda D. Momsen
City Clerk

APPROVED AS TO FORM:


Ruth Reyes
Assistant City Attorney

APPROVED AS TO CONTENT:


Byron E. Johnson, C.P.M.
Director of Purchasing

STATE OF TEXAS)
)
COUNTY OF EL PASO) CONSENT TO ASSIGNMENT

This Consent to Assignment is executed this 19th day of October, 2004, by and between the CITY OF EL PASO, hereinafter referred to as the "City", U.S. Traffic Corporation and PEEK TRAFFIC CORPORATION,

WHEREAS, the City and U.S. Traffic Corporation entered into the following Contract: No. 2003-113 for the Parks and Recreation Department Snack Vending Machine Service, awarded April 15, 2003; and

WHEREAS, after issuing said Contract, Peek Traffic Corporation has acquired all of U.S. Traffic Corporation assets and accounts; and

WHEREAS, U.S. Traffic Corporation has requested that the City approve an assignment of the contract between the City and U.S. Traffic Corporation to Peek Traffic Corporation; and

WHEREAS, Peek Traffic Corporation agrees to be responsible for all rights, duties and obligations under said contract; and

WHEREAS, the City agrees to the assignment of all rights, duties and obligations encompassed in the Contract to Peek Traffic Corporation

NOW, THEREFORE, IT IS HEREBY AGREED as follows:

1. The City consents to the assignment of the rights, duties and obligations under Contract No. 2003-113 to Peek Traffic Corporation.
2. Peek Traffic Corporation agrees to assume all rights, duties, obligations under Contract No. 2003-113.
3. All terms and conditions of said Contract shall remain in full force and effect.

4. Peek Traffic Corporation agrees to indemnify, defend and hold harmless the City from and against any and all claims, demands, causes of action, court costs, expenses, and attorney's fees which are connected with or arise from the assignment of this Contract or the City's acceptance and recognition of the assignment of this Contract.

WITNESS THE FOLLOWING SIGNATURES AND SEAL:

CITY OF EL PASO

Joe Wardy
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Ruth Reyes
Ruth Reyes
Assistant City Attorney

APPROVED AS TO CONTENT:

Byron E. Johnson
Byron E. Johnson, C.P.M.,
Director of Purchasing

U.S. TRAFFIC CORPORATION

By: Timothy M. O'Leary
Name Printed: Timothy M. O'Leary
Title: President

PEEK TRAFFIC CORPORATION

By: Charles O. O'Brien Sr.
Name Printed: Charles O. O'Brien Sr.
Title: General Manager